

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ECHOTA C. WOLFCLAN,

Plaintiff,

v.

THOMAS J. KINLEN, *et al.*,

Defendants.

Case No. C24-1260-JLR-MLP

ORDER TO SHOW CAUSE

Plaintiff filed this action on August 15, 2024, asserting causes of action for negligence, tortious failure to keep health and safety, negligent infliction of emotional distress, and outrage. (Dkt. # 1 at 22-26.) Plaintiff's civil cover sheet states that the action is based on federal question jurisdiction. (Dkt. # 5.) However, though the complaint's opening section pertaining to jurisdiction includes an allegation that Plaintiff's Fourth and Fourteenth Amendment rights were violated (dkt. # 1 at 1-2), Plaintiff does not assert in the body of his pleading any federal causes of action, and instead asserts only state law claims. (*Id.* at 22-26.) Nor is there a basis for diversity jurisdiction since the complaint and civil cover sheet do not allege complete diversity of the parties. (*See* dkt. ## 1, 5.) While Plaintiff previously filed in this Court a related action alleging constitutional violations under 42 U.S.C. § 1983 (*Wolfclan v. Menesses, et al.*, C23-

1 5938-JLR-MLP), and is currently seeking to consolidate the two actions (*id.*, dkt. # 62), it
2 appears this Court lacks subject matter jurisdiction over the instant action.

3 Federal courts “have an independent obligation to determine whether subject-matter
4 jurisdiction exists, even in the absence of a challenge from any party.” *Arbaugh v. Y&H Corp.*,
5 546 U.S. 500, 514 (2006). “If the court determines at any time that it lacks subject-matter
6 jurisdiction, the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3). Accordingly, dismissal
7 of this action is required if the Court does not have subject matter jurisdiction.

8 Based on the record before the Court, it appears federal question jurisdiction is lacking
9 and no other basis for jurisdiction has been alleged. Accordingly, Plaintiff is ORDERED to show
10 cause by **September 12, 2024**, why this case should not be dismissed for lack of subject matter
11 jurisdiction.

12 The Clerk is directed to send copies of this order to the parties and to the Honorable
13 James L. Robart.

14 Dated this 29th day of August, 2024.

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17 MICHELLE L. PETERSON
18 United States Magistrate Judge
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